Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra and Uttar Pradesh. And, in Uttar Pradesh, the results were mixed.

Now, what we are trying to do in the period 2004-08, in four years, we should try to shift the focus to the poorer States, and if all goes well, if our country's strategy is accepted and implemented, I expect that Uttar Pradesh, Orissa, Madhya Pradesh, Rajasthan will get a significantly higher share than what they got in the previous three years. In fact, out of 7.78 billion-that is lined up for World Bank's direct lending to the States-if our strategy works and States cooperate and they show performance-I expect, Maharashtra, Uttar Pradesh, Orissa, Madhya Pradesh, all to get about eight to nine per cent of this amount each. Earlier they were getting very small amounts. Now, we hope that the poorer States will get a larger share.

MR. CHAIRMAN: Now, Question No. 282.

SHRI RAVI SHANKAR PRASAD: Nothing for Bihar! *(Interruptions)* Please say something about Bihar.

SHRI DIPANKAR MUKHERJEE: Don't bring Bihar here.

SHRI P. CHIDAMBARAM: All right. There is no problem. Bihar, in the next four years, we have been able to identify so far about four per cent of the amount that I mentioned. But we still have another 22 per cent where the States have to be identified. Out of this 22 per cent also, if they present bankable projects, some portion will, I hope, go to Bihar.

Prohibition of contract labour

*282. SHRI DIPANKAR MUKHERJEE:†
SHRI CHITTABRATA MAJUMDAR:

Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Airports Authority of India (AAI) had gone to the Delhi High Court for obtaining a stay order on the Labour Ministry's Notification No. S.O./848 (E) dated the 26th July, 2004 prohibiting employment of contract labour in the job of trolley retrieval;

†The question was actually asked on the floor of the House by Shri Dipankar Mukherjee.

(b) whether AAI had approached the High Power Committee established by Government pursuant to Supreme Court order dated the 11th September, 1991 before going to Court; and

(c) if not, the reasons therefore and the action taken against those responsible for by-passing High Power Committee?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (c) A Statement is laid on the Table of the House.

(a) Yes, Sir.

(b) No. Sir.

(c) Airports Authority of India (AAI) has challenged the vires and legality of the impugned notification by invoking writ jurisdiction. Hon'ble High Court of Delhi was pleased to pass ad-interim order on 23.8.2004 staying the operation of the impugned notification of Ministry of Labour dated 26.7.2004. The issue of obtaining prior clearance of the High Power Committee before filing the writ petition by AAI in the Court is *sub-judice.*

SHRI DIPANKAR MUKHERJEE: Sir, at the outset, let me clarify that I am not interested in the *sub-judice* part of it. What I wanted to know from the Ministry out of this question is regarding the administrative part of it. Sir, in a reply on the same subject, the Ministry of Labour, on 16th December, in this Session itself, has very well clarified that they had notified an order prohibiting employment of contract labour in a particular job, in Indira Gandhi International Airport and domestic airport at Delhi. The Airports Authority of India has gone to the High Court against this order.

My point in part (b) of this question is: as far as the Supreme Court directive is concerned, if there is a dispute between a Government Department and a Government undertaking, or a Government undertaking and a Government Department, the then Chief Justice of Supreme Court, Ranganath Misra order is there. They have to go to a high-powered committee. The Ministry of Labour says that the Airports Authority have not approached the high-powered committee before going to the court. It is, in turn a, Governmental dispute between one department and another department.

I want to know, at what administrative level was it decided to bypass this administrative procedure laid down by the Supreme Court, to bypass

the high powered committee, and go to the High Court? At what administrative level was this decision taken?

SHRI PRAFUL PATEL: Sir, I must admit, what the hon. Member has said that there was this dispute, the difference of opinion in the interpretation, between what the Ministry of Labour had said and what the Airports Authority was thinking; because this airport trolley contract retrieval system was awarded in 1996 for a seven-year contract. The contract ended in the year 2003 and, at that time, this notification of the Ministry of Labour was not in place. However, in 2004, when this notification was issued by the Ministry of Labour, I must admit that due to paucity of time, this matter could not be taken up with the appropriate mechanism which the hon. Member has just now mentioned. However, at this stage, I must say that the matter is *sub-judice,* and there is very little that I can add to that.

SHRI DIPANKAR MUKHERJEE: Sir, again, I am saying, it is not a question of *sub-judice* which I am coming to. My first part has not been answered. There is an administrative decision. There is no question of *sub-judice.* The question is, there is a dispute between the Ministry of Labour and the Ministry of Civil Aviation. How is it that the Ministry of Civil Aviation, the Airports Authority, has gone to the court without approaching the high-powered committee? Who was violated this order? And, at what level this decision was taken? This was my first supplementary and it is unanswered.

My second question is, Sir, apart from the judicial part, and it is being challenged at the judicial level. Does it mean that the Airports Authority, the Civil Aviation Ministry, is challenging the Supreme Court order passed in 1991 where it is said that the inter-Departmental dispute has to be sorted out by the high-powered committee? That can only be a Cabinet decision. How can the Civil Aviation Ministry take this decision that for certain paucity of time it can forget about the high-powered committee and now make it a *sub-judice* case?

Your Government is not acting as an ideal employer. It is a question of contract labourers, and you want to go to the High Court, the Supreme Court! What is all this? There is the Labour Ministry notification saying that it is illegal, prohibiting these contract labour workers. Are you going to go against the specific provisions in the Act also? Is it an ideal promoter's job? I want the Minister to reveal the whole thing immediately, not within

the court, but outside the court, that which is within the Labour Ministry and the Civil Aviation Ministry.

SHRI PRAFUL PATEL: Sir, I did admit that this matter didn't go through the mechanism which the hon. Member has mentioned just now. I do admit that. There is no question on that. But now, since the matter is *sub-judice*, even the Supreme Court order said that such matter should be taken to the committee of dispute before any litigation starts. I am sure, the court will look into this aspect also, and whatever be the ruling of the court, we will abide by that.

SHRI CHITTABRATA MAJUMDAR: Sir, I want to know from the Minister how long the Airport Authority would continue to violate the Contract Labour Abolition and Regulation Act in their establishment?

SHRI PRAFUL PATEL: Sir, there is a notification which hon. Dipankarji mentioned. It is only regarding employees for trolley retrieval job at Indira Gandhi Airport. It only applies to that. However, on the basis of contract labour, Sir, there are so many functions in the Airport Authority. Some have to be of contractual nature. You cannot expect people who are cutting grass in the runway periphery to be part of the ...(*Interruptions*).....

SHRI DIPANKAR MUKHERJEE: Sir, who will decide the Act? ...(*Interruptions*).....

SHRI PRAFUL PATEL: Therefore, ...(*Interruptions*)..... Therefore, we are bound by the laws of the land. We are bound by the order of the Ministry of Labour.

श्री संजय निरुपम: सभापति जी, एअरपोर्ट अथॉरिटी में ''हायर एंड फायर'' की पॉलिसी एक अरसे से चल रही है। जो नया मिनिस्टर आता है, वह अपने ढंग से एडहॉक अपॉइंटमेंट्स करता है और जैसे ही वह जाता है, दूसरा आता है वह उन सारे अपॉइंट्समेंट्स को कैंसिल कर देता है।

श्री सभापति: यह प्रैक्टिस कब से चल रही है?

श्री संजय निरुपम: यह प्रैक्टिस 1994 से चल रही है। सभापति जी, 1994 से लेकर 1998 के बीच और 1998 से लेकर 2004 के बीच दो अलग-अलग सरकारें थीं और दो अलग-अलग मंत्री थे। महोदय, अभी मंत्री महोदय ने 30 नवम्बर को 135 लोगों को, जोकि एडहॉक अपॉइंटी थे, एकदम सीधे ऑर्डर देकर, हटा दिया। ये सभी लोग 1998 से 2004 के बीच के थे और उस समय

के मिनिस्टर्स ने उनको अपॉइंट किया था। लेकिन 1994 से 1998 के बीच जो एडहॉक अपॉइंटमेंट्स थे, उनके खिलाफ कोई एक्शन नहीं लिया गया। महोदय, उन 135 लोगों में से 28 लोग कन्फर्म थे। वे हाईकोर्ट में गए और हाईकोर्ट ने स्टे-ऑर्डर दिया व सी॰वी॰सी॰ ने ऑर्डर दिया कि आप रिस्पांसिबिलिटी फिक्स करिए कि किन अधिकारियों की वजह से ये एडहॉक अपॉइंटमेंट्स हुए। इसलिए मैं मंत्री महोदय से जानना चाहता हूं कि क्या जो कन्फर्म स्टाफ है, हाईकोर्ट के स्टे-ऑर्डर को देखते हुए, आप उसे वापिस लेंगे? दूसरे सी॰वी॰सी॰ ने आपको ऑर्डर दिया कि आप रिस्पांसिबिलिटी फिक्स करिए कि कौन-से अधिकारी इन एडहॉक अपॉइंटमेंट्स के लिए जवाबदेह हैं, क्या उन अधिकारियों के खिलाफ आप कोई एक्शन लेंगे?

श्री प्रफुल्ल पटेल: सर, हमारे इस कार्यकाल में किसी को एडहॉक अपॉइंटमेंट नहीं दिया गया है। पूर्व में जो भी एडहॉक अपॉइंटमेंट्स हुए हैं, अगर वे नियम के बाहर होंगे तो उन पर उस हिसाब से कार्यवाही होगी। जहां तक कोई कोर्ट का सवाल आएगा तो हम कोर्ट के आदेश से बंधे हुए हैं।

श्री सभापति: ठीक है, ठीक है। .....(**व्यवधान**)....

श्री संजय निरुपम: कोर्ट के आदेश में क्या करेंगे। हाईकोर्ट का ऑर्डर आ चुका है, क्या आप उनको वापिस लेंगे?

श्री प्रफुल्ल पटेल: हम कोर्ट के आदेश से बंधे हुए हैं।

श्री सभापति: सारी बात आ गयी। श्री मलयसामी।

DR. K. MALAISAMY: Sir, as per the law of the land, contract labour cannot be employed in case in continuous employment or incidental to the main task. While so, I would like to ask the hon. Minister whether the job of trolley retrieval is a continuous job or a seasonal job?

SHRI PRAFUL PATEL: Sir, trolley retrieval itself is give on contract and the contract was given to a company in 1996. It is expiring in 2003. Now, there is a new contract in place? If the job itself is of a contractual nature, how can the people working under that contractor be treated directly as employees? However, if there is any notification, like Dipankarji said, the matter is *sub-judice*. If the court decides that they are employees, we will consider it accordingly.

SHRI FALI S. NARIMAN: Sir, this question and the answer raise a wider issue than a dispute between the Labour Ministry and the Airports

Authority of India. This matter in my experience has been progressing for quite some time now and the problem has been complete lack of discipline between different branches of Government, whether in the previous Government or in the current Government. I would respectfully request the hon. Minister to take this matter to the Cabinet because there is no point in saying that it is *sub-judice*. The question is that you must before filing a writ petition obtain prior clearance is not *sub-judice*. What is *sub-judice* is the validity of the notification This is not *sub-judice* at all because you happened to breach a particular resolution of the Cabinet. Therefore, it is not *sub-judice*. Hence, I respectfully request the hon. Minister-since this raises a much wider issue and a large number of departments of the Government are doing this — that this should be taken to the Cabinet and a firm directive issued not merely to the Labour Ministry and the AAI but also to all departments of the Government, should be issued, because 60 per cent of the litigation in this country, today, is Government created.

SHRI PRAFUL PATEL: Sir, I am most honoured by what the hon. Member has said. He is a very senior and respected lawyer. Therefore, whatever suggestions he has mentioned will, definitely, be given due importance and we will take it up in the right earnest.

Monitoring Nationalised Banks and Financial Institution

*283 SHRI RAJU PARMAR†
PROF. ALKA BALRAM KSHATRIYA:

Will the Minister of FINANCE be pleased to state:

(a) whether Reserve Bank of India (RBI) is monitoring and supervising the role of Nationalised Banks and Financial Institutions (FIs) through any advisory group;

(b) if so, what are the names of Banks/FIs which are under active scanner of the RBI; and

(c) whether any irregularities have been found in the working of these Banks/FIs and if so, the details thereof?

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): (a) to (c) A Statement is laid on the Table of the House.

†The question was actually asked on the floor of the House by Shri Raju Parmar.